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APPLICATION NO. 10/200,135	FILING DATE 05/06/99	FIRST NAMED INVENTOR FARMER	ATTORNEY DOCKET NO. J TH1213(US)
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TM02/0925

EXAMINER

PHAM, K

ART UNIT	PAPER NUMBER
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2177

DATE MAILED:

09/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/306,135	FARMER ET AL.
	Examiner Khanh B. Pham	Art Unit 2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 May 1999.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 12-13 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 12-13 recites the limitation "said computer programming code" in line 1 of claim 12. There is insufficient antecedent basis for this limitation in the claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. **Claims 1-13 are rejected** under 35 U.S.C. 102(a) as being anticipated by Henderson (U.S Patent 5,712,990).

**As per claim 1,** Henderson teaches a hazard communication apparatus comprising:

- "an authoring module having a means for decompiling material data" at Col. 11 lines 1-25;

- “a means for associating the decompiled data with hazard information” at Col. 12 lines 15-25;
- “a means for recompiling material data associated with hazard information to provide hazard information about the material, its components, decomposition products of the material, and substances related to the material” at Col. 12 lines 25-45;
- “a means for disseminating hazard information about said material, its components, decomposition products of the material, and substances related to the material wherein said means for disseminating hazard information communicates with said authoring module” at Col. 16 lines 55-65;

**As per claim 2,** Henderson teaches: “said means for decompiling material data comprises a deblending analyzer” at Col. 11 lines 1-25.

**As per claim 3,** Henderson teaches: “said means for decompiling material data further comprises a substance processor” at Col. 10 lines 25-50.

**As per claim 4,** Henderson teaches: “said means for recompiling material data associated with hazard information is a rules engine for generating words and phrases used in the production of documents and system output” at Col. 11 lines 25-50.

**As per claim 5,** Henderson teaches: “said means for disseminating hazard information is a distribution module” at Col 19 line 50 to Col. 20 line 10.

**As per claim 6,** Henderson teaches: “said means for disseminating hazard information is an online module” at Col. 21 lines 45-50.

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**As per claim 7,** Henderson teaches: "said means for disseminating hazard information is a labeling module" at Col. 16 lines 55-65.

**As per claim 8,** Henderson teaches a process for communicating hazard information comprising:

- "entering material information into an authoring module wherein said material information is decompiled" at Col. 11 lines 1-25
- "associated with the material information, recompiled to provide hazard information about the material, its components, decomposition products of the material, and substances related to the material and such hazard information to product hazard communication documents" at Col. 12 lines 15-45;
- "distributing said communication documents" at Col. 19 lines 50-65.

**As per claim 9,** Henderson teach a machine for communicating hazard information comprising:

- "a general purpose computer" at Col. 26 lines 30-35;
- "computer instructions organized into modules including an authoring module and a distribution module" at Col. 11-12 and Col. 19-20.
- "said general purpose computer programmed with said computer instruction" at Col. 26 lines 15-35.

**As per claim 10,** Henderson teaches: "material information is enter into said authoring module, said material information is decompiled, associated with the material information, recompiled to provide hazard information about the material, its

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components, decomposition products of the material, and substances related to the material and such hazard information to produce hazard communication documents" at Cols. 11-12;

**As per claim 11,** Henderson teaches: "said instructions are computer programming code" at Col. 26 lines 30-35.

**As per claim 12,** Henderson teaches: "said computer programming code comprises software" at Col. 26 lines 30-35.

**As per claim 13,** Henderson teaches "an article of manufacture comprising the software of claim 12" at Col. 26 lines 30-35.

### ***Conclusion***

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Macia Fletcher whose telephone number is (703) 305-4903 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (703) 308-7299. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 308-6606 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

KBP

Khanh B. Pham  
Art Unit 2177  
September 19, 2001

*John E. Breene*  
JOHN BREENE  
SUPERVISORY PATENT EXAMINER  
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